



Marine Corps League

Program for Professional Development
Board of Trustees





Judge Advocate

- The Judge Advocate (JA) provides legal counsel and opinions on by-laws, policies, corporate regulations and parliamentary procedure for the Detachment. His/her chief role is to assure the legal and operating integrity of the Detachment within the framework of National, Department and Detachment by-laws and policies and any other legal entities such as state corporation requirements, for the Detachment. The JA may also be called on to make procedural rulings during the course of business and officer meetings.

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While the JA should be familiar with the operations, procedures, programs and activities of the Detachment in case he/she is called on to fill in for an absent officer, his/her primary responsibility is to understand, interpret and rule or provide opinions on the authorized and legitimate code for conduct of business.

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The JA is a bona fide member of the Board of Trustees who establishes policy and direction for the Detachment. On the other hand, the JA must step aside from the role of policy making and make sure that policies, voted issues and procedures are in conformance with three levels of by-laws and policies - Detachment, Department and National. In addition, the JA must assure that the Detachment by-laws and policies are within the framework and spirit of the National and Department by-laws and policies.

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Characteristics and Traits

- Ability to understand and interpret statutes and policies of the organization.
- Ability to weigh opposing views, evaluate complex issues and provide reliable opinions for deciding solutions.
- Effective communication skills for elaborating decisions.
- Ability to absorb details and research information.
- Interest in legal and judicial processes.

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- Effective writing skills for issues that go beyond the Detachment.
- Knowledge of parliamentary procedures and the League Ritual.
- Ability to make rulings quickly where appropriate (i.e. parliamentary procedures at meetings).
- Understanding of Detachment's corporate position and regulations thereof.
- Ability to write, modify and/or amend Detachment by-laws and policies.

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Interest and ability in auditing procedures to assure conformance to by-laws, policies and regulations.

Objectivity.

Ability to stand alone in rendering unpopular opinions.



LEGAL COUNSEL OF THE DETACHMENT

While this officer position does not require being a lawyer, some of the skills and interest are probably desired. The laws of the Marine Corps League are contained in the By-Laws and the Administrative Procedures, which are published by National and the Department. Each Detachment should also develop by-laws and policies in conformance with National and Department, to be used as the legal guidelines for carrying on business as a Detachment. The Judge Advocate (JA) should be a participant in the writing of these documents if they are not already in place.



- It is important for the JA to have a thorough understanding and working knowledge of all bylaws and policies. On his/her own initiative, questionable issue should be brought to attention of the Board of Trustees and/or general membership for review and opinion. Questions regarding issues or policies brought by the membership or officers need to be resolved by the JA in an objective and expedient manner where practical. The JA may also call on the Department and National Judge Advocates for advice, counsel and interpretation.
- A primary purpose of the JA is to keep the Detachment on solid legal footing, and to assure that Marine Corps League and state laws are complied with by the Detachment.

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RENDER OPINIONS BASED ON POLICIES, BY-LAWS, OR PRECEDENTS OF THE DETACHMENT

The most common issues to be brought before the Judge Advocate (JA) will be Detachment questions, which should have their findings in the Detachment by-laws and policies. In the absence of specific Detachment references, Department and National by-laws and policies apply. In addition, if there are precedents for specific issues not covered in the Detachment by-laws and policies and if these precedents are within the framework and spirit of the National and Department by-laws, such precedents can apply in rendering an opinion.



In cases where a member(s) is embroiled in an issue, the JA should render opinions as quickly as possible and as objectively as possible, to avoid disruption to the Detachment. If the issue cannot be solved without going beyond the Detachment, the Administrative Procedures by National and Department will be in effect. Generally, 99.5% of the problems can be addressed at Detachment level, if immediate action is taken and that action references by-laws and policies.

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ADVICE ON BY-LAWS AND POLICIES OF THE MARINE CORPS LEAGUE

The governing laws for all organizations within the Marine Corps League are the national by-laws, policies and administrative procedures. The Judge Advocate (JA) should be thoroughly familiar with these documents and those of the Department, to advise the Detachment on any questionable issues and/or problems. Assistance may be gained from the Department and National Judge Advocates if necessary.

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Generally, questions in this area arise when developing and/or modifying Detachment by-laws, policies and administrative procedures. In addition, there can be questions regarding attendance at Department and National meetings, processes for submitting changes to by-laws and policies, awards, discussion topics for agenda and other.

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ASSURE THAT DETACHMENT ABIDES BY THE BY-LAWS OF THE DETACHMENT, DEPARTMENT AND NATIONAL

The Judge Advocate (JA) is the “watchdog” and “policeman” for assuring that strict adherence to all three levels of by-laws and policies are followed. The purpose is to assure conformity to the letter and spirit of accepted laws and policies of the Marine Corps League in general and to insure that conditions of charter and incorporation are maintained. The JA should review motions and votes, eligibility of voters, and activities on a regular basis to assure compliance. Any discrepancies need to be addressed immediately with the Board of Trustees and/or the membership. Documentation of issues and instances should be made for the record, for review in the future in any similar instances.



AUDIT OF PROCEDURES, SIGNATURE AND FINANCES

The Detachment Commandant may direct the Judge Advocate (JA) to perform periodic reviews of procedures and finances to assure compliance with Detachment policies and procedures. Included in this process is reviewing how work and transactions are processed in conformity to Detachment written policy and procedure. The JA should check bank accounts and checks to assure that dual signatures and procedures for expenditure of funds are being followed according to Detachment procedures. The JA may also be assigned to review the audit trail of funds received, the application of funds in accordance with procedures and accounting practice and assure the integrity of monies received and disbursed by the Detachment. Such procedures may include checking receipts for expense checks and determining the legitimacy of expenditures within budget policy.

The JA should make a written report to the Board of Trustees at least once per year (preferably twice a year), if directed to engage in the audit process.

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RENDERS OPINIONS AND RULINGS DURING MEETINGS PROCEDURE:

- The Judge Advocate (JA) should be well versed in issues of parliamentary procedure, ritual and business order during meetings. The Commandant or presiding officer may refer questions of procedure to the JA. Normally these questions are relevant to motions, amendments, order of business and other meeting procedures. Questioning of a procedure from the floor must be channeled through the presiding officer to the JA. The JA should also advise the Commandant or presiding officer on the meeting Ritual and procedures decided by the Detachment.

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OTHER: _

Other duties of the Judge Advocate may include:

- Acting in the absence of another officer(s).
- Maintaining a log/report on questions, issues, opinions and rulings.

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SUMMARY

As with any effective organization, the Marine Corps League has established by-laws, policies and procedures at the National level to safeguard its charter, and to provide a framework for co-existence among many and varied subordinate organizations (Departments and Detachments). Detachments are expected to incorporate and establish their own written by-laws, policies, and procedures within that framework.

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The Judge Advocate is the keeper, protector and counselor of those laws, policies, and procedures within the Detachment. He/she must be diligent in assuring conformance to these credentials that allow the League and the Detachment to exist in an orderly manner. As with laws in our daily lives, we may not agree with them all, but they exist for the purpose of providing a common structure within which we can operate and mutually respect the rights of others. The Judge Advocate has the right and obligation to suggest meaningful change to the statutes from higher levels and a procedure for being heard.

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The Judge Advocate enforces through the Board of Trustees and advises members and officers of the Detachment, with the objective of maintaining order within the Marine Corps League organization.